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September 27, 2018

Honorable Paul G. Gardephe  
United States District Judge  
Thurgood Marshall  
United States Courthouse  
40 Foley Square, Courtroom: 705  
New York, NY 10007

RE: Request to schedule a pre-motion conference before filing a motion to dismiss under Federal Rule of Civil Procedure 12(b)(1), *Donovan v. East Twelfth Street Tenants Housing Development Fund Corporation*, No. 18-CV06950.

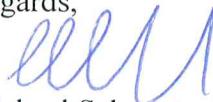
Honorable Gardephe:

I am the attorney for East Twelfth Street Tenants Housing Development Fund Corporation. Your Honor heard Plaintiff Kyle Donovan's application for a temporary restraining order ("TRO") requesting that the HDFC be prohibited from approving any sale of Unit MW located at 527 East 12<sup>th</sup> Street, New York, New York and denied the motion on August 28, 2018.

I intend to move this Court for an order dismissing the Complaint against the HDFC in its entirety pursuant to Federal Rule of Civil Procedure 12(b)(1) because this Court lacks subject matter jurisdiction over this action. As I understand, your Honor requires that parties have a pre-motion conference before any motion to dismiss is filed. I respectfully request that the conference be scheduled at the earliest possible date.

Thank you for your attention to this matter. Please feel free to contact the undersigned at (212) 966-7439 if you have any questions or concerns.

Regards,



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